IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.209 OF 2005
IN
APPEAL FROM ORDER NO. 220 OF 2005

C.Abdulla Mohammed. ... Applicant.
Versus.
The Municipal Corporation of
Greater Mumbai. ... Respondent.

Shri Bipin Joshi for the Applicant.

Ms.Geeta Joglekar for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 21st March, 2005.

P.C.:

1. Rule. The Respondent waives service.

2. At this stage the Respondent is unable to place on record any document to show that compliance was made with the order dated 12th January 1999 passed in L.C. Suit No. 71 of 1999. Hence case for grant of interim relief is made out. Till disposal of the Appeal, the disputed structure shall not be demolished by the Respopndent-Corporation subject to condition that the Appellant will file an undertaking in this Court within a period of one week from today stating therein that he will not create third party interests in respect of the suit premises or part will possession of the suit premises and will not carry out any additions and alterations to the suit premises without the permission

of this Court.

3. If the undertaking is not filed the Civil Application will stand dismissed without further reference to the Court.

4. Civil Application disposed of in the above terms with no order as to costs.

Judge.